

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

BARRY F. MACK (CLAIMANT)

DEFENDANTS

RESCAP BORROWER CLAIMS TRUST (FOR DEBTOR GMAC MORTGAGE, LLC)

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
DAVID F. GARBER, ESQ., DAVID F. GARBER, P.A., 2800 DAVIS BLVD,
STE 211, NAPLES, FL 34104

ATTORNEYS (IF KNOWN)
ADAM LEWIS, ESQ., MORRISON FOERSTER, 425 MARKET ST, SAN FRANCISCO, CA 34105

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

SEE ATTACHED

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES					
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS	[] 400 STATE	
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	[] 28 USC 158	REAPPORTIONMENT	[] 410 ANTITRUST	
[] 130 MILLER ACT	LIABILITY	INJURY/PRODUCT LIABILITY	[] 21 USC 881	[] 1423 WITHDRAWAL	[] 430 BANKS & BANKING	[] 450 COMMERCE	
[] 140 NEGOTIABLE INSTRUMENT	[] 320 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY	[] 1690 OTHER	[] 28 USC 157	[] 460 DEPORTATION	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY			[] 820 COPYRIGHTS	[] 480 CONSUMER CREDIT	
[] 151 MEDICARE ACT	[] 340 MARINE	PERSONAL PROPERTY			[] 830 PATENT	[] 490 CABLE/SATELLITE TV	
[] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD			[] 840 TRADEMARK		
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING					
[] 160 STOCKHOLDERS SUITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY						
[] 190 OTHER CONTRACT							
[] 195 CONTRACT PRODUCT LIABILITY							
[] 196 FRANCHISE							
REAL PROPERTY		ACTIONS UNDER STATUTES					
[] 210 LAND CONDEMNATION	[] 441 VOTING	PRISONER CIVIL RIGHTS	IMMIGRATION				
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	[] 550 CIVIL RIGHTS	[] 1462 NATURALIZATION				
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 555 PRISON CONDITION	APPLICATION				
[] 240 TORTS TO LAND	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 560 CIVIL DETAINEE	[] 465 OTHER IMMIGRATION ACTIONS				
[] 245 TORT PRODUCT LIABILITY	[] 446 AMERICANS WITH DISABILITIES - OTHER	CONDITIONS OF CONFINEMENT					
[] 290 ALL OTHER REAL PROPERTY	[] 448 EDUCATION						

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE: _____

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
		<input type="checkbox"/> a. all parties represented				
		<input type="checkbox"/> b. At least one party is pro se.				

(PLACE AN X IN ONE BOX ONLY)

1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY (U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF <input type="checkbox"/> 3 <input type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 5 <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input checked="" type="checkbox"/> 2 <input type="checkbox"/> 2		INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 6	<input type="checkbox"/> 6 <input type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

BARRY F. MACK
42 AMBERFIELD DRIVE
DELRAN, NJ 08075

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

RESCAP BORROWER CLAIMS TRUST
PETER S. KRAVITZ, ESQ.
SOLUTION TRUST
230 PARK AVE, 10TH FLOOR
NEW YORK, NY 10169

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE *8/13/15* SIGNATURE OF ATTORNEY OF RECORD *David F. Cohen*
RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

NO
 YES (DATE ADMITTED Mo. _____ Yr. _____)
Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

ATTACHMENT TO CIVIL COVER SHEET
CAUSE OF ACTION

12 U.S.C. § 2605 (e) Real Estate Settlement Procedures Act (RESPA). Claimants MACK complained by letter of October 26, 2009 of unjustified foreclosure action by servicer GMAC MORTGAGE, LLC when Claimants MACK were not in default. Debtor GMAC Mortgage, LLC never responded and Mrs. Mack suffered permanent kidney damage after attempting suicide 2 weeks after the letter.